

DETAILED ACTION

The amendment filed 19 January 2010 has been entered.

Specification

1. The abstract of the disclosure is objected to because the abstract contains legal phraseology. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claims 1-8 are objected to because of the following informalities: claim 1 line 1 "Apparatus" should be "An apparatus", claims 2-8 line1 "Apparatus" should be "The apparatus", and claim 2 line 2 "the leading edge" should be "a leading edge" and line 3 "a sheet" should be "the sheet". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Holtje (US 5,692,740). Holtje discloses an apparatus for depositing a sheet on a stack comprising at least one stacking device (12) which can be driven so as to rotate about an axis of rotation (14) in order to grasp and deposit the sheet, and includes at least one drag element (28a,b) which is arranged on the at least one stacking device and carried along during rotation (see Figure 1), the at least one drag element is provided for shifting deposited sheets and pulling sheets toward a stack abutment (30), the at least one drag element is arranged relative to the axis of rotation on a radial exterior side of the at least one stacking device (see Figure 1) and movable in the radial direction relative to the at least one stacking device (see column 6 lines 26-35), the at least one stacking device includes at least two accommodation segments (19a,b) arranged on independently coaxially (at 14) rotating stacking members (16a,b and column 5 lines 57-60) which can be actuated together or separately (actuated by springs 22a,b), the at least one stacking device comprises at least one input means (18a,b) into which a leading edge of a sheet to be stacked can be fed, the at least one drag element arranged relative to the axis of rotation on a radial exterior side of the at least one input means (see Figure 1) and movable in the radial direction relative to the at least one input means (all materials have a certain degree of elasticity and 28a,b are able to move), the at least one drag element is arranged on each available input means (see Figure 1), the at least one drag element is substantially tongue shaped (see Figure 1), the at least one drag element extends so as to project outward from the exterior side (see Figure 1), the at least one drag element extends at an acute angle outward from

the exterior side against the direction of rotations of the at least one stacking device (see Figure 1).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtje (US 5,692,740) in view of Michler (US 2003/0021659 A1). Holtje discloses all of the limitations of the claims but does not disclose the at least one drag element features a rubber material and a metal reinforcement. However, Michler discloses a similar device that includes a drag element featuring a rubber material with a metal reinforcement (see Paragraph 0043) for the purpose of reducing vibrations (see Paragraph 0037). It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Holtje by utilizing at least one drag element featuring a rubber material and a metal reinforcement, as disclosed by Michler, for the purpose of reducing vibrations.

Response to Arguments

5. Applicant's arguments filed 19 January 2010 have been fully considered but they are not persuasive. Applicant argues Holtje does not disclose at least two accommodation segments arranged on independently coaxially rotating stacking members which can be actuated together or separately. In response, Holtje does disclose at least two accommodation segments (19a,b) arranged on independently

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coaxially (at 14) rotating stacking members (16a,b and column 5 lines 57-60) which can be actuated together or separately (actuated by springs 22a,b).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MICHAEL C. MCCULLOUGH** whose telephone number is (571)272-7805. The examiner can normally be reached on Monday-Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. C. M./
Examiner, Art Unit 3653

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656